

104TH CONGRESS
2D SESSION

H. R. 4043

To establish the Tallgrass Prairie National Preserve in the State of Kansas,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 1996

Mr. ROBERTS introduced the following bill; which was referred to the
Committee on Resources

A BILL

To establish the Tallgrass Prairie National Preserve in the
State of Kansas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tallgrass Prairie Na-
5 tional Preserve Act of 1996”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) of the 400,000 square miles of tallgrass
9 prairie that once covered the North American Con-

1 tinent, less than 1 percent remains, primarily in the
2 Flint Hills of Kansas;

3 (2) in 1991, the National Park Service con-
4 ducted a special resource study of the Spring Hill
5 Ranch, located in the Flint Hills of Kansas;

6 (3) the study concludes that the Spring Hill
7 Ranch—

8 (A) is a nationally significant example of
9 the once vast tallgrass ecosystem, and includes
10 buildings listed on the National Register of His-
11 toric Places pursuant to section 101 of the Na-
12 tional Historic Preservation Act (16 U.S.C.
13 470a) that represent outstanding examples of
14 Second Empire and other 19th Century archi-
15 tectural styles; and

16 (B) is suitable and feasible as a potential
17 addition to the National Park System; and

18 (4) the National Park Trust, which owns the
19 Spring Hill Ranch, has agreed to permit the Na-
20 tional Park Service—

21 (A) to purchase a portion of the ranch, as
22 specified in this Act; and

23 (B) to manage the ranch in order to—

1 (i) conserve the scenery, natural and
2 historic objects, and wildlife of the ranch;
3 and

4 (ii) provide for the enjoyment of the
5 ranch in such a manner and by such
6 means as will leave the scenery, natural
7 and historic objects, and wildlife
8 unimpaired for the enjoyment of future
9 generations.

10 (b) PURPOSES.—The purposes of this Act are—

11 (1) to preserve, protect, and interpret for the
12 public an example of a tallgrass prairie ecosystem on
13 the Spring Hill Ranch, located in the Flint Hills of
14 Kansas; and

15 (2) to preserve and interpret for the public the
16 historic and cultural values represented on the
17 Spring Hill Ranch.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) ADVISORY COMMITTEE.—The term “Advi-
21 sory Committee” means the Advisory Committee es-
22 tablished under section 7.

23 (2) PRESERVE.—The term “Preserve” means
24 the Tallgrass Prairie National Preserve established
25 by section 4.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (4) TRUST.—The term “Trust” means the Na-
4 tional Park Trust, Inc., a District of Columbia non-
5 profit corporation, or any successor-in-interest.

6 **SEC. 4. ESTABLISHMENT OF TALLGRASS PRAIRIE NA-**
7 **TIONAL PRESERVE.**

8 (a) IN GENERAL.—In order to provide for the preser-
9 vation, restoration, and interpretation of the Spring Hill
10 Ranch area of the Flint Hills of Kansas, for the benefit
11 and enjoyment of present and future generations, there
12 is established the Tallgrass Prairie National Preserve.

13 (b) DESCRIPTION.—The Preserve shall consist of the
14 lands and interests in land, including approximately
15 10,894 acres, generally depicted on the map entitled
16 “Boundary Map, Flint Hills Prairie National Monument”
17 numbered NM–TGP 80,000 and dated June 1994, more
18 particularly described in the deed filed at 8:22 a.m. of
19 June 3, 1994, with the Office of the Register of Deeds
20 in Chase County, Kansas, and recorded in Book L–106
21 at pages 328 through 339, inclusive. In the case of any
22 difference between the map and the legal description, the
23 legal description shall govern, except that if, as a result
24 of a survey, the Secretary determines that there is a dis-
25 crepancy with respect to the boundary of the Preserve that

1 may be corrected by making minor changes to the map,
2 the Secretary shall make changes to the map as appro-
3 priate, and the boundaries of the Preserve shall be ad-
4 justed accordingly. The map shall be on file and available
5 for public inspection in the appropriate offices of the Na-
6 tional Park Service of the Department of the Interior.

7 **SEC. 5. ADMINISTRATION OF NATIONAL PRESERVE.**

8 (a) IN GENERAL.—The Secretary shall administer
9 the Preserve in accordance with this Act, the cooperative
10 agreements described in subsection (f)(1), and the provi-
11 sions of law generally applicable to units of the National
12 Park System, including the Act entitled “An Act to estab-
13 lish a National Park Service, and for other purposes”, ap-
14 proved August 25, 1916 (16 U.S.C. 1, 2 through 4) and
15 the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461
16 et seq.).

17 (b) APPLICATION OF REGULATIONS.—With the con-
18 sent of a private owner of land within the boundaries of
19 the Preserve, the regulations issued by the Secretary con-
20 cerning the National Park Service that provide for the
21 proper use, management, and protection of persons, prop-
22 erty, and natural and cultural resources shall apply to the
23 private land.

24 (c) FACILITIES.—For purposes of carrying out the
25 duties of the Secretary under this Act relating to the Pre-

1 serve, the Secretary may, with the consent of a landowner,
2 directly or by contract, construct, reconstruct, rehabilitate,
3 or develop essential buildings, structures, and related fa-
4 cilities including roads, trails, and other interpretive facili-
5 ties on real property that is not owned by the Federal Gov-
6 ernment and is located within the Preserve.

7 (d) LIABILITY.—

8 (1) LIABILITY OF THE UNITED STATES AND ITS
9 OFFICERS AND EMPLOYEES.—Except as otherwise
10 provided in this subsection, the liability of the Unit-
11 ed States is subject to the terms and conditions of
12 the Federal Tort Claims Act, as amended, 28 U.S.C.
13 2671 et seq., with respect to the claims arising by
14 virtue of the Secretaries administration of the Pre-
15 serve pursuant to this Act.

16 (2) LIABILITY OF LANDOWNERS.—

17 (A) The Secretary of the Interior is au-
18 thorized, under such terms and conditions as he
19 deems appropriate, to include in any coopera-
20 tive agreement entered into in accordance with
21 subsection (f)(1) an indemnification provision
22 by which the United States agrees to hold
23 harmless, defend and indemnify the landowner
24 in full from and against any suit, claim, de-
25 mand or action, liability, judgment, cost or

1 other fee arising out of any claim of personal
 2 injury or property damage that occurs in con-
 3 nection with the operation of the Preserve
 4 under the agreement: *Provided however*, That
 5 indemnification shall not exceed \$3 million per
 6 claimant per occurrence.

7 (B) The indemnification provision author-
 8 ized by subparagraph (A) shall not include
 9 claims for personal injury or property damage
 10 proximately caused by the wanton or willful
 11 misconduct of the landowner.

12 (e) UNIT OF THE NATIONAL PARK SYSTEM.—The
 13 Preserve shall be a unit of the National Park System for
 14 all purposes, including the purpose of exercising authority
 15 to charge entrance and admission fees under section 4 of
 16 the Land and Water Conservation Fund Act of 1965 (16
 17 U.S.C. 460l–6a).

18 (f) AGREEMENTS AND DONATIONS.—

19 (1) AGREEMENTS.—The Secretary may expend
 20 Federal funds for the cooperative management of
 21 private property within the Preserve for research, re-
 22 source management (including pest control and nox-
 23 ious weed control, fire protection, and the restora-
 24 tion of buildings), and visitor protection and use.

1 (2) DONATIONS.—The Secretary may accept,
2 retain, and expend donations of funds, property
3 (other than real property), or services from individ-
4 uals, foundations, corporations, or public entities for
5 the purposes of providing programs, services, facili-
6 ties, or technical assistance that further the pur-
7 poses of this Act.

8 (g) GENERAL MANAGEMENT PLAN.—

9 (1) IN GENERAL.—Not later than the end of
10 the third full fiscal year beginning after the date of
11 enactment of this Act, the Secretary shall prepare
12 and submit to the Committee on Energy and Natu-
13 ral Resources of the Senate and the Committee on
14 Resources of the House of Representatives a general
15 management plan for the Preserve.

16 (2) CONSULTATION.—In preparing the general
17 management plan, the Secretary, acting through the
18 Director of the National Park Service, shall consult
19 with—

20 (A)(i) appropriate officials of the Trust;

21 and

22 (ii) the Advisory Committee; and

23 (B) adjacent landowners, appropriate offi-
24 cials of nearby communities, the Kansas De-
25 partment of Wildlife and Parks, and the Kan-

1 sas Historical Society, and other interested par-
2 ties.

3 (3) CONTENT OF PLAN.—The general manage-
4 ment plan shall provide for the following:

5 (A) Maintaining and enhancing the
6 tallgrass prairie within the boundaries of the
7 Preserve.

8 (B) Public access and enjoyment of the
9 property that is consistent with the conserva-
10 tion and proper management of the historical,
11 cultural, and natural resources of the ranch.

12 (C) Interpretive and educational programs
13 covering the natural history of the prairie, the
14 cultural history of Native Americans, and the
15 legacy of ranching in the Flint Hills region.

16 (D) Provisions requiring the application of
17 applicable State law concerning the mainte-
18 nance of adequate fences within the boundaries
19 of the Preserve. In any case in which an activ-
20 ity of the National Park Service requires fences
21 that exceed the legal fence standard otherwise
22 applicable to the Preserve, the National Park
23 Service shall pay the additional cost of con-
24 structing and maintaining the fences to meet
25 the applicable requirements for that activity.

1 (E) Provisions requiring the Secretary to
2 comply with applicable State noxious weed, pes-
3 ticide, and animal health laws.

4 (F) Provisions requiring compliance with
5 applicable State water laws and Federal and
6 State waste disposal laws (including regula-
7 tions) and any other applicable law.

8 (G) Provisions requiring the Secretary to
9 honor each valid existing oil and gas lease for
10 lands within the boundaries of the Preserve (as
11 described in section 4(b)) that is in effect on
12 the date of enactment of this Act.

13 (H) Provisions requiring the Secretary to
14 offer to enter into an agreement with each indi-
15 vidual who, as of the date of enactment of this
16 Act, holds rights for cattle grazing within the
17 boundaries of the Preserve (as described in sec-
18 tion 4(b)).

19 (4) HUNTING AND FISHING.—The Secretary
20 may allow hunting and fishing on Federal lands
21 within the Preserve.

22 (5) FINANCIAL ANALYSIS.—As part of the de-
23 velopment of the general management plan, the Sec-
24 retary shall prepare a financial analysis indicating
25 how the management of the Preserve may be fully

1 supported through fees, private donations, and other
2 forms of non-Federal funding.

3 **SEC. 6. LIMITED AUTHORITY TO ACQUIRE.**

4 (a) IN GENERAL.—The Secretary shall acquire, by
5 donation, not more than 180 acres of real property within
6 the boundaries of the Preserve (as described in section
7 4(b)) and the improvements on the real property.

8 (b) PAYMENTS IN LIEU OF TAXES.—For the pur-
9 poses of payments made under chapter 69 of title 31,
10 United States Code, the real property described in sub-
11 section (a) shall be deemed to have been acquired for the
12 purposes specified in section 6904(a) of that title.

13 (c) PROHIBITIONS.—No property may be acquired
14 under this section without the consent of the owner of the
15 property. The United States may not acquire fee owner-
16 ship of any lands within the Preserve other than lands
17 described in this section.

18 **SEC. 7. ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT.—There is established an advi-
20 sory committee to be known as the “Tallgrass Prairie Na-
21 tional Preserve Advisory Committee”.

22 (b) DUTIES.—The Advisory Committee shall advise
23 the Secretary and the Director of the National Park Serv-
24 ice concerning the development, management, and inter-
25 pretation of the Preserve. In carrying out those duties,

1 the Advisory Committee shall provide timely advice to the
2 Secretary and the Director during the preparation of the
3 general management plan under section 5(g).

4 (c) MEMBERSHIP.—The Advisory Committee shall
5 consist of 13 members, who shall be appointed by the Sec-
6 retary as follows:

7 (1) Three members shall be representatives of
8 the Trust.

9 (2) Three members shall be representatives of
10 local landowners, cattle ranchers, or other agricul-
11 tural interests.

12 (3) Three members shall be representatives of
13 conservation or historic preservation interests.

14 (4)(A) One member shall be selected from a list
15 of persons recommended by the Chase County Com-
16 mission in the State of Kansas.

17 (B) One member shall be selected from a list of
18 persons recommended by appropriate officials of
19 Strong City, Kansas, and Cottonwood Falls, Kansas.

20 (C) One member shall be selected from a list of
21 persons recommended by the Governor of the State
22 of Kansas.

23 (5) One member shall be a range management
24 specialist representing institutions of higher edu-
25 cation (as defined in section 1201(a) of the Higher

1 Education Act of 1965 (20 U.S.C. 1141(a))) in the
2 State of Kansas.

3 (d) TERMS.—

4 (1) IN GENERAL.—Each member of the Advi-
5 sory Committee shall be appointed to serve for a
6 term of 3 years, except that the initial members
7 shall be appointed as follows:

8 (A) Four members shall be appointed, one
9 each from paragraphs (1), (2), (3), and (4) of
10 subsection (c), to serve for a term of 3 years.

11 (B) Four members shall be appointed, one
12 each from paragraphs (1), (2), (3), and (4) of
13 subsection (c), to serve for a term of 4 years.

14 (C) Five members shall be appointed, one
15 each from paragraphs (1) through (5) of sub-
16 section (c), to serve for a term of 5 years.

17 (2) REAPPOINTMENT.—Each member may be
18 reappointed to serve a subsequent term.

19 (3) EXPIRATION.—Each member shall continue
20 to serve after the expiration of the term of the mem-
21 ber until a successor is appointed.

22 (4) VACANCIES.—A vacancy on the Advisory
23 Committee shall be filled in the same manner as an
24 original appointment is made. The member ap-

1 pointed to fill the vacancy shall serve until the expi-
2 ration of the term in which the vacancy occurred.

3 (e) CHAIRPERSON.—The members of the Advisory
4 Committee shall select 1 of the members to serve as Chair-
5 person.

6 (f) MEETINGS.—Meetings of the Advisory Committee
7 shall be held at the call of the Chairperson or the majority
8 of the Advisory Committee. Meetings shall be held at such
9 locations and in such a manner as to ensure adequate op-
10 portunity for public involvement. In compliance with the
11 requirements of the Federal Advisory Committee Act (5
12 U.S.C. App.), the Advisory Committee shall choose an ap-
13 propriate means of providing interested members of the
14 public advance notice of scheduled meetings.

15 (g) QUORUM.—A majority of the members of the Ad-
16 visory Committee shall constitute a quorum.

17 (h) COMPENSATION.—Each member of the Advisory
18 Committee shall serve without compensation, except that
19 while engaged in official business of the Advisory Commit-
20 tee, the member shall be entitled to travel expenses, in-
21 cluding per diem in lieu of subsistence in the same manner
22 as persons employed intermittently in Government service
23 under section 5703 of title 5, United States Code.

1 (i) CHARTER.—The rechartering provisions of section
2 14(b) of the Federal Advisory Committee Act (5 U.S.C.
3 App.) shall not apply to the Advisory Committee.

4 **SEC. 8. RESTRICTION ON AUTHORITY.**

5 Nothing in this Act shall give the Secretary authority
6 to regulate lands outside the land area acquired by the
7 Secretary under section 6(a).

8 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated to the De-
10 partment of the Interior such sums as are necessary to
11 carry out this Act.

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